

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1719-01
Bill No.: HB 869
Subject: Motor Vehicles; Fees; Transportation; Telecommunications
Type: Original
Date: April 15, 2011

Bill Summary: This proposal prohibits text messaging and the use of hand-held electronic devices while operating a motor vehicle for compensation while transporting passengers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Department of Public Safety - Missouri Highway Patrol** and the **Office of Prosecution Services** each assume the proposal will not fiscally impact their respective agencies.

Officials from the **Department of Revenue (DOR)** assume the bill proposes to add a new section know as the "Fair Fare Passenger Safety Act of 2011". This section would prohibit text messaging and the use of hand-held electronic devices while operating a motor vehicle for compensation while transporting passengers. A violation would require DOR to post the conviction to the driving record and to assess points in Section 302.302.

DOR states a new conviction code would need to be created.

DOR's Driver License Bureau estimates 40 overtime hours of system testing by one Administrative Analyst I; $\$16 \text{ per hr} \times 1\frac{1}{2} = \$24 \text{ per hr} \times 40 \text{ hrs} = \960

The offense created under this provision will result in an unknown increase in the number of convictions. The increase in convictions will also increase the number of point warning and suspension/revocation notices issued for accumulation of points.

There are no statistics available to determine how many additional convictions the Department may be required to process; however, one FTE processes 320 convictions per day. The Department assumes that a minimum of one FTE (Revenue Processing Tech) will be needed to process the additional convictions resulting from the violation. If the volume of convictions received for processing exceeds 320 per day, then additional FTE may be required and will be requested through the appropriations process.

There are no statistics available to determine the volume of telephone calls that may be received; however, currently a Telephone Information Operator (Revenue Processing Tech) is required to handle 100 calls per day. The Department assumes that a minimum of one FTE will be needed to answer the additional phone calls. If the calls received, for text messaging while driving exceeds 100 calls per day, an additional FTE will be required and will be requested through the appropriations process.

ASSUMPTION (continued)

The Department is unable to determine how many convictions will be received for texting while driving, therefore, the forms and postage costs for issuing the suspension/revocation notices is unknown.

DOR assumes the following costs:

One FTE Revenue Processing Tech (at \$25,380 per year) to process additional convictions for texting while driving and One FTE Telephone Information Operator (at \$25,380 per year) to answer telephone calls related to texting while driving. Postage and forms costs are unknown. DOR estimates the total cost to be approximately \$80,000 in FY 12, \$80,000 in FY 13, and \$81,000 in FY 14.

DOR assumes the proposal would also have a revenue impact of an unknown amount in the form of Reinstatement Fees Collected. Fees collected will be distributed, 75% highway fund, 15% cities, and 10% counties.

Oversight assumes most companies/governments that transport passengers on Missouri's public roadways would already have a policy that forbids their employees from texting or making telephone calls while working.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume the proposal would not fiscally impact their agency. The MHP states they wrote 65 texting-while-driving tickets in 2010. Of those, nine were involved in accidents.

Oversight received information that, as of January 5, 2011, the Department of Revenue (DOR) processed 56 convictions for drivers twenty-one years of age or younger text messaging while driving since the statute went into effect on August 28, 2009.

Oversight assumes, based on the information received from the Missouri State Highway Patrol and the Department of Revenue (DOR), that the number of convictions resulting from drivers text messaging or making telephone calls while transporting passengers would not be excessive. Oversight assumes DOR could absorb the increase in work load resulting from the proposal within existing resources. If the DOR experiences an increase that would require additional funding, the DOR could request the funding through the appropriation process.

Oversight assumes any revenue impact would be minimal, and reflects no change to Total State Revenue as a result of the proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2012 (10 Mo.)	 FY 2013	 FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

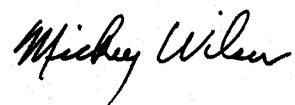
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Transportation
Department of Revenue
Department of Public Safety
Office of the State Courts Administrator



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April 15, 2011